

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ROBERT O'NEIL,

Plaintiff,

- against -

EMILY RATAJKOWSKI ET AL.,

Defendants.

Case No. 1:19-cv-9769-AT

**DEFENDANTS EMILY RATAJKOWSKI'S AND EMRATA HOLDINGS, LLC'S  
NOTICE OF MOTION FOR SUMMARY JUDGMENT AND FOR ATTORNEY'S FEES  
AND COSTS**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law, Defendants' Rule 56.1 Statement, the Declaration of Daniel A. Schnapp Esq., dated September 9, 2020, the Declaration of Emily Ratajkowski, dated September 9, 2020, the exhibits annexed thereto, and the proceedings had herein, Defendants Emily Ratajkowski and Emrata Holdings, LLC ("Defendants"), by their attorneys, Nixon Peabody LLP, will move this Court, before the Honorable Analisa Torres, U.S.D.J. for the Southern District of New York, at the United States Courthouse located at 40 Foley Square, New York, New York 10007-1312, pursuant to Fed. R. Civ. P. 56, for an Order granting summary judgment in favor of Defendant as well as awarding attorney's fees and costs, together with such other and further relief as this Court may deem just and proper.

Per the Court's Order dated August 5, 2020, opposition papers, if any, are due by October 7, 2020.

Reply papers, if any, are due by October 28, 2020.

Dated: September 9, 2020  
New York, New York

NIXON PEABODY LLP

**/s/Daniel Adam Schnapp**

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